REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1, 2, 4-13, and 15-26 were pending prior to the final Office Action. Claims 27-31 have been added through this Reply. Thus, claims 1, 2, 4-13, and 15-31 are currently pending of which claims 1, 12, 23, and 25 are independent. Claims 1, 12, 23, and 25 have been amended through this Reply. Upon careful review, one would conclude that no new matter has been added to the application via this amendment. Support for this amendment can be found at least in paragraphs [0028]-[0029] of U.S. Patent Publication of the present application No. 2005-0105806 A1. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

PRIOR ART REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

The Examiner finally rejects claims 1, 4-7, 9-10, 12, 15-18, 20-21, and 23-26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang et al (U.S. Patent Publication No. 2004-0264780)[hereinafter "Zhang"] in view of Bhetanabhotla (U.S. Patent Publication No. 2002/0167538)[hereinafter "Bhetanabhotla"]. Claims 2, 8, 13, and 19 are finally rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Bhetanabhotla as applied to claims 1 and 12 above, and further in view of Hanna et al. (U.S. Patent No. 6,714,665)[hereinafter "Hanna"]. Claims 11 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang and Bhetanabhotla, as applied to claims 1 and 12 above, and further in view of Neff et al. (U.S. Patent No. 6,751,780)[hereinafter "Neff"].

Applicants respectfully traverse these rejections.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co.*

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v Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the "teaching, suggestion, motivation test" is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

In this instance, it is respectfully submitted that none of the prior art, alone or in combination, teaches or suggests all claim limitations.

Amended independent claims 1, 12, 23, and 25 recite that ***the images of the unknown isolated faces are sorted by the similarity to the reference model on the display*** so that the user can easily classify the unknown isolated faces. According to the claimed invention, the user can easily drag and drop the images of unknown isolated faces in order to associate the unknown isolated faces with a particular classification (i.e. a particular person folder).

Neither Zhang nor Bhetanabhotla, alone or in combination teaches or suggest the above-identified feature.

The Examiner alleges that Zhang discloses the displaying step or the display output unit as claimed in independent claims 1, 12, 23, and 25. More specifically, the Examiner relies on display monitor 191 of Fig.1 and paragraph [0036] as disclosing a display unit for "displaying a plurality of objects (images of unknown isolated faces) arranged as a function of similarity." (*See page 3, paragraph 3 of the final Office Action.*) It is respectfully submitted that the Examiner's interpretation of the relied upon section of Zhang is totally erroneous. In paragraph [0036], Zhang merely discloses that the monitor 191 can be used to display digital images with face annotations identified or to be identified via the systems and methods of Zhang's invention. Zhang provides no indication that the monitor 191 displays a plurality of objects (images of unknown isolated faces) arranged as a function of similarity.

As previously submitted, Zhang teaches a photo management method, which detects faces from image data (paragraph [0044]). Zhang's method also includes a facial extraction

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process (paragraphs [0045], [0048]). In addition, Zhang applies probabilistic determination such as a maximum a posteriori (MAP) estimation to determine a similarity between extracted features and a candidate model (paragraph [0051]). However, Zhang fails to teach or suggest displaying the *images* of unknown isolated faces/objects arranged as a function of the determined similarity, the images being cropped from the digital photos. Rather, Zhang discloses the step of sorting *names* in the candidate name list according to a sum of similarities measures corresponding to the unknown face. (*See claim 6, paragraphs [0076]-[0077] of Zhang*.)

As shown earlier, independent claims 1, 12, 23, and 25 have further been amended to recite that *the images of the unknown isolated faces are sorted by the similarity to the reference model on the display* so that the user can easily classify the unknown isolated faces. Thus, according to the claimed invention, the user can easily drag and drop the images of unknown isolated faces in order to associate the unknown isolated faces with a particular classification (i.e. a particular person folder). At least for the reasons stated above, it is respectfully submitted that Zhang fails to teach or suggest that *the images of the unknown isolated faces are sorted by the similarity to the reference model on the display* as recited in independent claims 1, 12, 23, and 25.

Bhetanabhotla, Hanna, and Neff have not been and indeed cannot be relied upon to fulfill the above-noted deficiency of Zhang.

Accordingly, it is respectfully submitted that independent claims, 1, 12, 23, and 25 are allowable over the applied prior art references. Claims 2, 4-11, 13, 15-22, 24, and 26 are at least allowable by virtue of their dependency on corresponding independent claims.

New Claims

New independent claim 27 recites, *inter alia*, "displaying *the reference model and a plurality of the objects* based on the determined similarity." It is respectfully submitted that either Zhang or Bhetanabhotla does not disclose the above-identified feature of claim 27. accordingly, it is submitted that claim 27 is allowable over Zhang and Bhetanabhotla. Claims 28-31 are at least allowable by virtue of their dependency on corresponding independent claims.
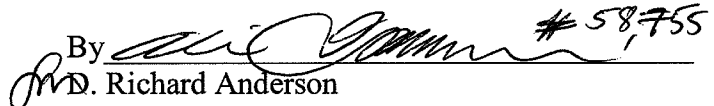
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CONCLUSION

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58 755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: April 25, 2009

Respectfully submitted,

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